

CITY COUNCIL AGENDA ITEM COVER SHEET MEMO

FOR AGENDA REGULAR SESSION-WORK SESSION - DATE: 06/14/12

ACTION REQUESTED BY: Natural Resources

SUBJECT MATTER: Air Program Grant

EXACT WORDING FOR THE AGENDA: "Resolution Authorizing the Mayor to apply for and execute an FY '13 and FY '14 EPA Air Grant in an amount up to \$300,000 in federal funding to support the City's Air Pollution Control Program."

ORDINANCE _____ RESOLUTION X MOTION _____

(IF AMENDMENT, STATE TITLE AND NUMBER AND DATE OF ORIGINAL) _____

ITEM TO BE CONSIDERED FOR:

INTRODUCTION ONLY _____ ACTION X DISCUSSION _____

UNANIMOUS CONSENT REQUIRED? YES _____ NO X

BRIEFLY STATE WHY THE ACTION IS REQUESTED; WHY IT IS RECOMMENDED OR NOT RECOMMENDED; WHAT COUNCIL ACTION WILL PROVIDE, ALLOW, OR ACCOMPLISH; ANY ASSOCIATED COST; BUDGETED (?); AND ANY OTHER INFORMATION THAT YOU THINK MIGHT BE HELPFUL.

Authorizes Application and Acceptance of a Continuing Environmental Program Assistance Grant for implementation of the Air Pollution Control Program in Huntsville. Funding would be provided by EPA under Section 105 of the Clean Air Act.



MAYOR RECOMMENDS OR CONCURS? YES X NO _____ N/A _____

SIGNATURE: Samuel R. [Signature] DATE: 5/30/12

Department Head

CITY OF HUNTSVILLE ROUTING SLIP FOR CONTRACTS AND AGREEMENTS

Originating Department Natural Resources
 Contract/ Agreement Air Program Grant
 Contract/Agreement Amount \$500,000.00
 Account Number 01-5259-3098-2101

DEPARTMENT	SIGNATURE	DATE
1) Originating		5/30/12
2) Finance		6/4
3) Legal	Mary C. Carter	5/31/12
4) Originating:		
5) Copy Distribution		
a. Mayor's Office (9)		
b. Clerk-Treasurer (original +2)		
c. Legal (1)		
d. Procurement (1)		
6) Council Action		
7) Clerk-Treasurer		
a. Mayor's Signature		
b. Council President's Signature		
8) Originating ③		
9) Clerk-Treasurer		

- ① Prepare Revised Draft
- ② Discussed at Department Head Meeting
- ③ Acquire Needed Signatures

Note: Processing is facilitated if outside signatures are obtained before council action

RESOLUTION NO. _____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor is hereby authorized, requested, and directed, on behalf of the City of Huntsville, Alabama, to apply for a U. S. Environmental Protection Agency FY 2013 and FY 2014 Air Programs Grant in an amount up to \$300,000.00 said grant application being attached hereto and identified as "Application for Federal Assistance between the City of Huntsville and U.S. Environmental Protection Agency," consisting of 13 pages and the first page, together with the signature of the City Council President, with an executed copy of said document being permanently kept on file in the office of the City Clerk-Treasurer of the City of Huntsville.

BE IT FURTHER RESOLVED that the City Council of the City of Huntsville shall commit an amount sufficient to meet the 40% matching fund requirement for the Grant which may be awarded to the City pursuant to such application, and not less than \$100,000.00 per year for a total of \$200,000.00, the amount of the City's maintenance of effort requirement, said funds to be identified in the City's fiscal year 2013 and 2014 budgets for such use.

BE IT FURTHER RESOLVED that in the event that such grant is awarded, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested, and directed, on behalf of the City of Huntsville, Alabama, to enter into such grant agreement with the Environmental Protection Agency and to submit such supporting and collateral materials as required.

ADOPTED this the 14th day of June, 2012

President of the City Council of the
City of Huntsville, Alabama

APPROVED this the 14th day of June, 2012

Mayor of the City of Huntsville, Alabama

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION

Application
☐ Construction
☒ Non-Construction

Preapplication
☐ Construction
☐ Non-Construction

2. DATE SUBMITTED

Applicant Identifier

3. DATE RECEIVED BY STATE

State Application Identifier

4. DATE RECEIVED BY FEDERAL AGENCY

Federal Identifier

5. APPLICANT INFORMATION

Legal Name

City of Huntsville

Address (give city, county, state, and zip code):

320 Fountain Circle
P. O. Box 308
Huntsville, AL 35804-0308

Organizational Unit:

Division of Natural Resources

Name and telephone number of the person to be contacted on matters involving this application (give area code)

D. E. Shea (256) 427-5750

6. EMPLOYER IDENTIFICATION (EIN):

63-6001296 DUNS 072093727

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☒ Revision
[A, C]

If Revision, enter appropriate letter(s) in box(es):

A. Increase Award B. Decrease Award
C. Increase Duration D. Decrease Duration
Other Specify:

7. TYPE OF APPLICANT: (enter appropriate letter here) C

A. State H. Independent School District
B. County I. State Controlled Institution of Higher Learning
C. Municipal J. Private University
D. Township K. Indian Tribe
E. Interstate L. Individual
F. Intermunicipal M. Profit Organization
G. Special District N. Other (Specify):

NAME OF FEDERAL AGENCY:

U. S. EPA, Region IV
Atlanta Federal Center
61 Forsyth St.,
Atlanta, GA 30303-8960

CATALOG OF FEDERAL DOMESTIC ASSISTANCE

66-001 Air Pollution Control Program Support

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

Huntsville, AL

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

Reference Work Plan

13. PROPOSED PROJECT:

Start Date

10-01-2009

End Date

09-30-2014

14. CONGRESSIONAL DISTRICT OF:

a. Applicant:

5th

Project

6th

15. Estimated Funding:

a. Federal	\$ 300,000.00
b. Applicant	\$ 200,000.00
c. State	\$
d. Local	\$
e. Other	\$
f. Program Income	\$
g. TOTAL	\$ 500,000.00

1. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION /APPLICATION WAS MADE AVAILABLE
TO THE STATE EXECUTIVE ORDER 12372 PROCESSES FOR
REVIEW ON:

DATE August 19, 2009 (Initial Application)

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ YES If "Yes" attach an explanation. ☒ NO

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Typed Name of Authorized Representative.

Tommy Battle

b. Title:

Mayor

c. Telephone Number

(256) 427-5000

d. Signature of Authorized Representative

e. Date Signed

June 14, 2012

Previous Editions Not Usable

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President of City Council
Of the City of Huntsville, Alabama
Date: June 14, 2012

Standard Form 424 (REV 7-97) Prescribed by OMB Circular 2

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0345-0044

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. Air Pollution Program Support	66-001	\$	\$	\$ 300,000.00	\$ 200,000.00	\$ 500,000.00
2						
3.						
4.						
5. TOTALS				\$ 300,000.00	\$ 200,000.00	\$ 500,000.00

SECTION B - BUDGET CATEGORIES

6. OBJECT CLASS CATEGORIES	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
			(3)	(4)	
a. Personnel		\$ 378,800.00	\$	\$	\$ 378,800.00
b. Fringe Benefits		\$ 121,200.00			\$ 121,200.00
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other(EPA National Contract)					
i. Total Direct Charges (sum of 6a - 6h)		\$ 500,000.00			\$ 500,000.00
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)		\$500,000.00			\$ 500,000.00

7. Program Income	\$	\$	\$	\$	\$
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SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8. Air Pollution Program	\$ 200,000.00	\$	\$	\$200,000.00	
9.					
10.					
11.					
12. TOTAL (sum of lines 8 and 11)	\$ 200,000.00	\$	\$	\$200,000.00	
SECTION D - FORECASTED CASH NEEDS					
	(Total for 1st Year)	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$	\$
14. Non-Federal					
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$	\$
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
FUTURE FUNDING PERIODS (Years)					
(a) Grant Program	(b) First	(c) Second	(d) Third	(e) Fourth	
16.	\$	\$	\$	\$	
17.					
18.					
19.					
20. TOTALS (sum of lines 16 - 19)	\$	\$	\$	\$	
SECTION F - OTHER BUDGET INFORMATION					
21. Direct Charges:			22. Indirect Charges:		
23. Remarks:					

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of the project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 795), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provision of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a-7), the Copeland Act (40 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplain in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (Identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.)
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL Tommy Battle	TITLE Mayor
APPLICANT ORGANIZATION City of Huntsville, Alabama	DATE SUBMITTED June 14, 2012

OBJECT CLASS CATEGORIES WORKSHEET

[NOTE: Please indicate any pre-award costs with a star (*).]

a. PERSONNEL

POSITION	NUMBER	SALARY	WORK YEARS	AMOUNT
Director	1	112,403	0.2	22,475
Deputy Director	1	88,316	0.56	49,450
Senior Environmental Specialist	1	72,737	0.4	29,000
Environmental Specialist III	1	72,737	0.4	29,000
Environmental Specialist II	1	57,512	0.72	41,400
Environmental Technician	1	51,355	0.2	10,250
Secretary	1	39,208	0.2	7,825
a. PERSONNEL TOTAL	7	494,268	2.68	189,400

b. FRINGE BENEFITS

BASE	189,400
RATE	x .32
b. FRINGE BENEFITS TOTAL	60,600

c. TRAVEL

<p>Explain:</p> <hr/> <hr/> <hr/> <hr/> <hr/>
c. TRAVEL TOTAL:

OBJECT CLASS CATEGORIES WORKSHEET

[NOTE: Please indicate any pre-award costs with a star (*).]

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c. TRAVEL

<p>Explain:</p> <hr/> <hr/> <hr/> <hr/> <hr/>
c. TRAVEL TOTAL:

OBJECT CLASS CATEGORIES WORKSHEET

d. EQUIPMENT: Tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Applicant's definition of equipment may be used provided the definition at least includes all items previously defined above.

ITEM	NUMBER	COST PER UNIT	TOTAL
d. EQUIPMENT TOTAL:			

e. SUPPLIES

List supplies by groups, as appropriate:	
e. SUPPLIES	

WORKSHEET

List each planned contract or type of service to be procured. Agreements/contracts with other governmental agencies (state, local or Federal) should be listed under category h. OTHER.

KEY CONTACTS

AGENCY/ORGANIZATION DIRECTOR

(Individual who is authorized to sign the assistance agreement application and award acceptance.)

NAME: Tommy Battle
TITLE: Mayor – City of Huntsville
ADDRESS: P. O. Box 308
Huntsville, AL 35804
TELEPHONE: (256) 427-5000

PROGRAM/PROJECT DIRECTOR

(Technical program director or person responsible for the project as a contact person in Block #5 of the application.)

NAME: Daniel E. Shea
TITLE: Director – Division of Natural Resources
ADDRESS: P. O. Box 308
Huntsville, AL 35804
TELEPHONE: (256) 427-5750

FINANCE DIRECTOR

(Individual responsible for maintaining the accounting and financial management system supporting expenditures, preparing the financial reports, etc.)

NAME: Randy Taylor
TITLE: Finance Director
ADDRESS: P. O. Box 308
Huntsville, AL 35804
TELEPHONE: (256) 427-5063

QUALITY ASSURANCE PLAN

This program/project does not involve environmentally related measurements or data generation; therefore, a Quality Assurance Plan is not required pursuant to the above referenced assistance regulations.

X This program/project involves environmentally related measurements or data generation; therefore a Quality Assurance Plan which meets the requirements of:

40 CFR 30.54 for Universities and Non-Profit Organizations is attached or will be developed before field work begins; or,

X 40 CFR 31.45 for State and Local Governments is attached or will be developed before field work begins.

*Approved Q. A. plan in place. Updates will be submitted as required.

Authorized Representative

June 14, 2012

Date

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Tommy Battle – Mayor

TYPED NAME & TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE OF AUTHORIZED REPRESENTATIVE

June 14, 2012

DATE

_____ I am unable to certify to the above statements. My explanation is attached.

U.S. Environmental Protection Agency

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/ proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Tommy Battle – Mayor

TYPED NAME & TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE OF AUTHORIZED REPRESENTATIVE

June 14, 2012

DATE

_____ I am unable to certify to the above statements. My explanation is attached.